

COMMUNITY *Link*

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November 13, 2008

Letter of Appeal to
Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

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RE: CC Docket No. 96-45
CC Docket No. 02-6

Now comes the appellant:

CCRC Community Link
[Clinton County Rehabilitation Center, dba Community Link]
1665 N. Fourth St.
P.O. Box 157
Breese, IL 62230
618-526-8800, telephone
618-526-2021, fax

The following persons are most readily able to discuss this appeal:

CathyC@commlink.org Cathy Cullen, Funding Development
Coordinator

JohnF@commlink.org John P. Foppe, Executive Director
FranT@commlink.org Fran Taylor, Director of Finance and
Administrative Services

MelissaS@commlink.org Melissa Stalets, First Step (early
childhood) Program Director

John P. Foppe
Executive Director

This letter is an appeal of:

USAC Administrator's Decision on Appeal – Funding Year 2007-08

FCDL Dated: **September 16, 2008**

Billed Entity Name: **CCRC Community Link**

Billed Entity Number: (BEN): **16039148**

Billed Entity FCC RN: **0016807364** (assigned Aug. 12, 2007)

Form **471** Application Number: **549404**

Form **470** Application Number: **161300000617762**

Appealing decision on FRN # **1623511**

Service Provider: *Illinois Bell Telephone Co.* SPIN: 143001912

Appealing decision on FRN # **1623563**

Service Provider: *Verizon Wireless.* SPIN: 143000677

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Adult Day Programs, Community-Living Programs, and First Step Infants & Families Programs
are accredited by CARF—The Rehabilitation Accreditation Commission.

Community Link is a charitable, not-for-profit organization; all contributions are tax deductible.



Explanation, applicable to both FRN decisions being appealed:

1. “Based on the response received from the Illinois State Superintendent of Education, dated November 8, 2007 ...”: Appellant’s applications (Forms 470 and 471) were filed in January and February 2007, **prior** to the ruling by the Illinois State Superintendent of Education that excluded programs and facilities not administered by a public school district. In the interest of fairness, the Superintendent’s November 8, 2007, ruling should not be applied retroactively to the January-February 2007 applications for funding beginning July 1, 2007.
2. Eligibility changes (if any) for Funding Year 2007-08 were not posted: USAC’s own Web site had posted, on a continuous and ongoing basis, a grid indicating that **non-traditional pre-K facilities and students are eligible in Illinois—without any exclusions**, as of the Form 470 and Form 471 deadlines in 2007, and as of the start of the funding year on July 1, 2007, and until at least March 19, 2008. Appellant acknowledges that on April 4, 2008, USAC published a news brief announcing the update of the grid, which only then specified restrictions for Illinois pre-K.
3. “... from the Illinois State Superintendent of Education, ... ‘Head Start programs and facilities may not be included within this definition unless they are administered by a public school district, which is the direct grantee for Head Start.’ ”: **CCRC Community Link is the direct grantee** for Head Start’s services for children ages 0-3 in Clinton and Washington counties.
4. “The Illinois State Superintendent also stated that, ‘... these types of Head Start programs would be covered by the public school district’s E-rate application The Head Start program should not file an application separate form [sic] the public school district.’ ” The public school district does **not** provide the pre-K (P) early Head Start services for children ages 0-3. See above.
5. “... as determined under State law”: Illinois Compiled Statutes (ILCS) as well as Illinois State Board of Education documents contain numerous references to pre-K (P) programs. P programs include early-childhood education and early-childhood parental-education services, which are defined as inclusive of educational services for children from birth through age 3. Community Link First Step (Early Childhood Education) provides Early Head Start, plus other early-childhood education for children from birth through age 3, including early-childhood parental education services for the children’s families, with funding originally administered by the Illinois State Board of Education, under the authority of Section 2-3.71a of the School Code (105 ILCS 5/2-3.71a) and Section 2-3.89 of the School Code (105 ILCS 5/2-3.89), which have been in effect since 1990 and are currently in effect. The ongoing intent of the Illinois General Assembly to include birth-to-three as an integral part of its education and schools system is reflected in recent legislation establishing the P-20 (pre-kindergarten through graduate school) Council, effective June 1, 2008. This legislation specifically includes “birth through age 3 education,” q.v., 105 ILCS 5/22-459(e)(6).

(continued on next page)

Requested outcomes:

1. Appellant seeks funding commitment of \$1432.40, or 90% discount under USAC on up to \$1,591.56 total in 12 months' of recurring charges by the provider Illinois Bell Telephone Company (dba AT&T) and/or its successors, relevant FRN #1623511.
2. Appellant seeks funding commitment of \$2028.24, or 90% discount under USAC on up to \$2,253.60 total in 12 months' of recurring charges by the provider Verizon Wireless, and/or its successors, relevant FRN #1623563.
3. Although not confessing that we lack the right to full reimbursement, nor relinquishing the right to full reimbursement, in the alternative, if you disagree with us, we request pro-rated reimbursement for both (1) and (2) above, through April 3, 2008, the day prior to USAC's announcement and posting of eligibility changes.
4. If, after considering the interest of fairness, as well as our reliance on posted eligibility criteria, you disagree with all the above requests, we seek, at minimum, pro-rated reimbursement for both (1) and (2) above, through November 7, 2007, the day prior to the after-the-fact ruling by the Illinois State Superintendent of Education.

Closing comment: Appellant invested significant time in preparing the Funding Year 2007 applications and initial appeal, relying in good faith on governmental and administrative authorities' indications of eligibility during the Form 470 and Form 471 filing windows for Funding Year 2007.

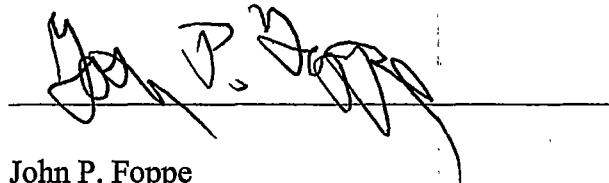
Supportive documents, applicable to both FRN decisions being appealed

CCRC-IL Exhibit A: USAC grid dtd 2/4/2008 showing eligibility of pre-K facilities & students

Re-Certifications

I re-affirm the FCC Form 470 Block 5 Certifications and the FCC Form 471 Block 6 Certifications signed by my predecessor, John J. Sedivy.

Appellant's authorized signature:



Authorized person's name:

John P. Foppe

Authorized person's title:

Executive Director

Date:

November 14, 2008

Authorized person's address: 1665 N. Fourth St., P.O. Box 157, Breese, IL 62230-0157

Authorized person's phone: 618-526-8800

Authorized person's fax: 618-516-2021

Authorized person's e-mail: JohnF@commmlink.org

Encl. CCRC-IL Exhibit A: USAC grid dtd 2/4/2008:

showing eligibility of pre-K facilities & students

USAC Correspondence dtd September 16, 2008:

Administrator's Decision on Appeal—Funding Year 2007-08

CC: Illinois Bell Telephone Company (dba AT&T)
Verizon Wireless

CCRC - 12 Exhibit A



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Step 1: Eligibility Table for Non-traditional K-12 Students and Facilities

The following table provides information on eligibility of pre-Kindergarten, juvenile justice, and adult education students and facilities for schools and libraries program support, as determined in State law.

Eligibility Table for Non-Traditional K-12 Students and Facilities						
(Pre-kindergarten, Adult Education, and Juvenile Justice)						
(05/01/2006)						
	Pre-kindergarten		Adult Education		Juvenile Justice	
State	Facilities	Students	Facilities	Students	Facilities	Students
Alabama	No	No	No	No	Yes	Yes
Alaska	No	No	No	Yes	Yes ¹	Yes
American Samoa	No	No	No	No	Yes	Yes
Arizona	Yes ²	Yes ²	No	No	Yes ³	Yes
Arkansas	No	No	No	No	Yes ⁴	Yes
California	Yes	Yes	Yes	Yes	Yes	Yes
CNMI Northern Marianas	No	No	No	No	No	No
Colorado	Yes	Yes	Yes	Yes	Yes	Yes
Connecticut	Yes	Yes	Yes	Yes	Yes ⁵	Yes
Delaware	No	No	No	No	Yes	Yes
District of Columbia	No	No	No	No	No	No
Florida	Yes	Yes	Yes	Yes	Yes	Yes
Georgia	No	No	No	No	Yes	Yes
Guam	No	No	No	No	No	No
Hawaii	Yes	Yes	Yes	Yes	Yes	Yes
Idaho	No	No	No	Yes	Yes	Yes
Illinois	Yes	Yes	Yes	Yes	Yes	Yes
Indiana	No	No	Yes	Yes	Yes	Yes
Iowa	Yes	Yes	Yes	Yes	Yes	Yes
Kansas	No	Yes	No	No	Yes	Yes
Kentucky	No	No	No	No	Yes	Yes
Louisiana	Yes	Yes	Yes	Yes	Yes	Yes
Maine	No	Yes	No	Yes	Yes	Yes
Maryland	Yes	Yes	Yes for GED	Yes for GED	Yes	Yes

Massachusetts	No	No	Yes	Yes	Yes	Yes
Michigan	No	No	No	No	Yes	Yes
Minnesota	Yes	Yes	No	Yes	Yes	Yes
Mississippi	Yes	Yes	Yes	Yes	Yes	Yes
Missouri	No	Yes	No	Yes	No	Yes
Montana	No	No	No	No	No	No
Nebraska	No	No	No	No	Yes	Yes
Nevada	No	No	No	No	No	No
New Hampshire	No	No	No	Yes	No	No
New Jersey	Yes	Yes	No	No	Yes	Yes
New Mexico	No	No	No	No	No ⁶	Yes
New York	Yes	Yes	No	Yes	Yes	Yes
North Carolina	No	Yes	No	No	Yes	Yes
North Dakota	No	No	Yes	Yes	Yes	Yes
Ohio	No	No	No	No	Yes	Yes
Oklahoma	Yes	Yes	No	Yes	Yes	Yes
Oregon	No	No	No	No	Yes	Yes
Pennsylvania	Yes	Yes	Yes ⁷	Yes ⁷	Yes	Yes
Puerto Rico	No	No	Yes	Yes	Yes	Yes
Rhode Island	Yes	Yes	Yes	Yes	Yes	Yes
South Carolina	No	No	No	No	Yes	Yes
South Dakota	No	Yes	No	Yes	Yes	Yes
Tennessee	No	No	No	No	Yes	Yes
Texas	Yes	Yes	No	Yes	Yes	Yes
US Virgin Islands	No	No	Yes	Yes	Yes	Yes
Utah	No	Yes	No	Yes	Yes	Yes
Vermont	No	No	No	No	Yes	Yes

Virginia	Yes	Yes	Yes ⁸	Yes	Yes	Yes
Washington	Yes	Yes	Yes	Yes	Yes	Yes
West Virginia	Yes	Yes	Yes	Yes	Yes	Yes
Wisconsin	Yes	Yes	No	No	Yes	Yes
Wyoming	No	No	No	No	Yes ⁹	Yes

[1] Dedicated elementary and secondary classrooms within juvenile justice facilities are eligible for funding.

[2] Special education pre-kindergarten students and separate facilities for special education services for such students are eligible for funding.

[3] Classrooms in juvenile detention facilities and county jails are eligible when elementary and/or secondary education is provided to juvenile justice students. Classrooms that hold county jail educational programs for eligible juvenile justice students are eligible for funding.

[4] A facility that is a school within the Arkansas Dept of Correction School District is eligible; a facility that is not part of that school district but that does provide elementary or secondary education is eligible. All others are ineligible.

[5] Only juvenile justice facilities in the State of Connecticut -Unified School District 1 are eligible.

[6] Not eligible except insofar as juvenile justice students are educated at Local Education Agencies (LEAs) or "state institutions" as defined in New Mexico Statutes (see [Educational Service Agencies eligibility table](#) for list of "state institutions").

[7] Only insofar as standard evening high school is provided.

[8] Adult education facilities are eligible for education through grade 12.

[9] Facilities are eligible for funding for educational services provided through grade 12: Wyoming Boys' School at Worland, Wyoming, and Wyoming Girls' School at Sheridan, Wyoming.

Step 2 Develop a Technology Plan

Last modified on 5/1/2006

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